UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,023	01/02/2002	Gregory C. Kime	42390P12859	7085

			EXAMINER

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EXAMINER
AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/038,023	KIME ET AL.
	Examiner	**Art Unit**	
	Joseph E. Avellino	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _23 May 2005_.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-11,13,14,19-22 and 28-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-11,13,14,19-22 and 28-30_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-11, 13, 14, 19-22, 28-30 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

        Claims 1-11, 13, 14, 19-22, 28-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rajasekharan et al. (USPN 6,480,961) (hereinafter Rajasekharan) In

view of Banker et al. (USPN 6,005,938) (hereinafter Banker).

3.   Referring to claim 1, Rajasekharan discloses a method comprising:

        receiving a request for a data stream from a client (an inherent feature of the

system since the data would not be sent to the client had there not been a request to

retrieve the stream);

        sampling the data stream and generating one or more fingerprint blocks for one

or more sampled portions of the data stream (an inherent feature since Rajasekharan

discloses the content integrity values are stored in the server col. 4, lines 13-23 and

these values would not exist if the data was not sampled and the fingerprint blocks

generated);

        transmitting the one or more fingerprint blocks (i.e. content integrity values in

authorization data) to the client (col. 4, lines 6-12); and

transmitting the data stream to the client via a second connection (it is well

known that in HTTP, which is used over the Internet, the connection is closed after data

is transmitted to the destination and in order to transmit data again, as in a new data

stream, a new session connection must be created between the client and the server)

(col. 4, lines 50-64).

Rajasekharan does not specifically state that the fingerprint blocks and the data

stream are sent simultaneously. In analogous art, Banker discloses another method of

secure data transmission which includes the fingerprint blocks (i.e. entitlement control

messages ECM and EMMs) are simultaneously sent with the data stream (col. 6, lines

50-55; col. 7, lines 35-45). It would have been obvious to one of ordinary skill in the art

to combine the teaching of Banker with Rajasekharan in order to protect digital

information that is provided to users of a network as well as to prevent replaying

decryption information that the user received while subscribed to a service to decrypt

information after dropping the subscription as supported by Banker (col. 1, lines 1-20).

4.   Referring to claim 2, Rajasekharan discloses sending to the client parameters for

sampling the data stream (i.e. strength of security desired) (col. 4, lines 60-64).

5.   Referring to claim 3, Rajasekharan discloses generating one or more fingerprint

blocks comprises generating a CRC (i.e. hash) values for the one or more sampled

portions of the data stream (col. 4, line 65 to col. 5, line 3).

6.   Claim 4 is rejected for similar reasons as stated above.

7.   Referring to claim 5, Rajasekharan discloses the invention substantively as

described in claim 4. Rajasekharan does not specifically state the first connection is an

out-of-band connection and the second connection is a primary data connection. In

analogous art, Banker discloses the first connection (i.e. that carrying the EMMs and

ECMs) is an out-of-band connection and the second connection is the primary data

connection (i.e. it is well known that the cable box connection for the service, channel, is

the primary data connection for the cable box, and any other connection is a secondary

channel, such as to bring control messages to the headend) (col. 6, lines 50-55).

8.   Referring to claim 6, Rajasekharan discloses generating an error message at the

client if one or more fingerprint blocks do not match one or more fingerprint blocks

generated at the server (col. 5, lines 4-9).

9.   Referring to claim 7, Rajasekharan discloses the invention substantively as

described in claim 4. Rajasekharan furthermore discloses communicating an error

message to the server from the client if one or more fingerprint blocks do not match one

or more fingerprint blocks generated at the server as seen in claim 6, however does not

specifically state that this message is transmitted to the server from the client. It is well

known in the art that error messages are transmitted between server and clients for

error messages (i.e. NACK's) and would be an obvious modification to the system of

Rajasekharan in order to alert system administrators that there is an unauthorized user attempting to download content off the server, thereby providing increased security with the system.

10.   Referring to claim 8, Rajasekharan discloses the invention substantively as described in claim 4. Rajasekharan does not specifically state communicating a valied status message to the server from the client but does state generating a signal (Figure 4, ref. 450), and it is well known in the art for clients to generate valid messages (i.e. ACK's) to servers and would be an obvious modification to the system of Rajasekharan in order for transmission auditing and determining if there is any degradation in the transmission along the route, thereby providing checks in order to ensure the client has received the stream and there is no problems with the software.

11.   Claims 9-11 are rejected for similar reasons as stated above.

12.   Claims 13, 14, 19-22, 28-30 are rejected for similar reasons as stated above. Furthermore Rajasekharan discloses a packetizer for creating packets (i.e. an inherent feature in any Internet server), and to generate an error message if a threshold percentage of fingerprint blocks do not match (Figure 4, ref. 450 and related portions of the disclosure).

Conclusion

13.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

14.   Applicant has failed to seasonably challenge the Examiner's assertions of well

known subject matter in the previous Office action(s) pursuant to the requirements set

forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for

evidence set forth by Applicant in the next response. Accordingly, the claim limitations

the Examiner considered as "well known" in the first Office action are now established

as admitted prior art of record for the course of the prosecution. See In re Chevenard,
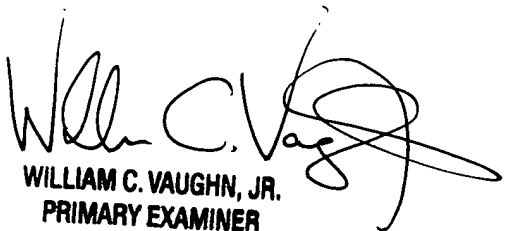
139 F.2d 71, 60 USPQ 239 (CCPA 1943).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEA
July 15, 2005

WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER